

the form of deprivation of constitutional and statutory rights.

3. The requested injunction is in the public interest. By denying access to a safe medication for prophylactic and early treatment of COVID-19, Defendants increase suffering and the loss of life, and exacerbate public fear resulting in an infringement on associative rights such as AAPS's and national political parties' conventions. It is in the public interest to eliminate arbitrary barriers to early access to safe medication for illness, and to reduce hoarding and wasting of such medication by government during this time of need.

4. The balance of the equities favors Plaintiff, whose members serve victims of COVID-19 with individualized medical care. Defendants are not even using the vast majority of donated hydroxychloroquine (HCQ), which degrades over time, and thus Defendants cannot credibly argue that it would be injured by an injunction against wasting the donated medication by arbitrarily limiting its use.

5. Pursuant to Local Civil Rule 7(d), Plaintiff contacted the named defendants via email to seek concurrence and determined that Defendants oppose Plaintiff's motion. Oral argument is requested on this motion because of the complex legal and factual issues involved in this case. Therefore, Plaintiff respectfully requests that the Court enter an order:

1. Enjoining all Defendants from enforcing the restrictions on the use of HCQ in the Strategic National Stockpile (SNS);
2. Ordering all Defendants to make available and distribute promptly without any interference, for the benefit of the public holding valid prescriptions, the HCQ being stored in the SNS;
3. Ordering Defendants HHS and FDA to retract their unsupported disparaging statements made on June 16, 2020, concerning use of HCQ; and

4. Enjoining all Defendants from impeding the distribution, sale or purchase of HCQ
by adult members of the public during the COVID-19 pandemic.

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Respectfully submitted,

/s/ Lawrence J. Joseph

Andrew L. Schlafly
General Counsel
Association of American Physicians & Surgeons
939 Old Chester Rd.
Far Hills, NJ 07931
Tel: 908-719-8608
Fax: 908-934-9207
Email: aschlafly@aol.com

Lawrence J. Joseph, DC Bar No. 464777
Law Office of Lawrence J. Joseph
1250 Connecticut Ave, NW, Suite 700-1A
Washington, DC 20036
Tel: 202-355-9452
Fax: 202-318-2254
Email: ljoseph@larryjoseph.com

Counsel for Plaintiff